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Attorneys for Defendant, Safeway Inc.

IN THE UNITED STATE DISTRICT COURT

FOR THE DISTRICT OF ALASKA

MARCEA SENDEN,)
)
Plaintiff,)
)
vs.)
)
SAFEWAY, INC.,)
)
Defendant.) Case No. _____
)

**NOTICE OF REMOVAL OF CASE FROM STATE COURT
(SUPERIOR COURT NO. 3AN-10-8757 CIVIL)**

TO THE DISTRICT COURT OF THE UNITED STATES, DISTRICT OF
ALASKA, AND TO PLAINTIFF AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendant, SAFEWAY INC.,
contemporaneous with the filing of this Notice, is effectuating the
removal of the above-referenced action from the Superior Court of
the State of Alaska, Third Judicial District, to the United States
District Court for the District of Alaska. A true and correct copy
of the Notice to Superior Court of Filing Notice of Removal filed
in Case No. 3AN-10-09878 CI is attached hereto as Exhibit A. The

removal is based on the following grounds:

1. On or about November 17, 2010, there was filed in the Superior Court for the State of Alaska the above titled action, Case No. 3AN-10-09878 CI.

2. On or about December 7, 2010, the Defendant was served with a copy of the Amended Complaint, via regular mail, at the corporate offices of Defendant in Pleasanton, California.

3. A true and correct copy of the amended complaint is attached hereto as Exhibit B and is incorporated by reference herein as though fully set forth.

4. The United States District Court has jurisdiction over the superior court action in this matter, based on diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332.

5. Plaintiff is a resident of Alaska. On information and belief, and without conceding same, Plaintiff's claims exceed \$75,000.

6. Defendant is a corporation organized under the laws of the state of Delaware with its principal place of business in Pleasanton, California. Its corporate citizenship is California.

7. This notice of removal is timely filed in that it is filed within 30 days of receipt of a copy of the complaint by Defendant, which sets out a claim for relief.

8. Safeway expressly consents to this notice of removal.

9. The notice to State Superior Court of the notice of

removal is being filed contemporaneously with this notice in federal court.

DELANEY WILES, INC.
Attorneys for Defendant

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CERTIFICATE OF SERVICE

This certifies that I am an authorized agent of Delaney Wiles, Inc., for service of papers pursuant to Civil Rule 5, and that on this 27th day of December, 2010, a copy of the foregoing document was served by mail upon:

Joe P. Josephson
Jody A. Reausaw
Josephson & Associates
912 West 6th Avenue
Anchorage, AK 99501

Cynthia L. Ducey
4818-0679-5272, v. 1